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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A "PRIOR" PATENT**

Docket Number (Optional)

Lerner

In re Application of: LERNER, William S.

Application No.: 10/645,751

Filed: 8-20-2003

For: Heat Alert Safety Device for Hot Surfaces

The owner\*, WILLIAM S. LERNER

of 100

*with respect to claims 1, 2, 7, 8, 9  
10, 11, 16, 17, 18 of the instant  
application, and prior patent no.  
6104607 with respect to claims  
3-6 and 12-15 of said application*

percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6639196 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 34768

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11-24-04  
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STEVEN HOROWITZ  
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